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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourteenth session

SUMMARY RECORD OF THE 360th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 16 January 1997, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Myanmar (continued)

Initial report of the Syrian Arab Republic

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GE.97-15265 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Myanmar (continued) (CRC/C/8/Add.1 (English only); CRC/C/Mya.1 (list of issues); written replies by the Government of Myanmar with no document symbol)

1. At the invitation of the Chairperson, the delegation of Myanmar resumed its place at the Committee table.

2. Mrs. SARDENBERG said that the initial report (CRC/C/8/Add.9) and the written replies to the list of issues lacked much of the information the Committee required. It was essential that the Committee should be able to establish a dialogue with each State party to the Convention and discuss openly and frankly where problems might arise and how they could be remedied. The first step towards any improvement in the situation of children was a willingness to acknowledge the existence of problems and a willingness to discuss them.

3. It was clear that, in Myanmar, attitudes to children and their problems needed to be changed at the level of society, the family, school and the administration. A comprehensive review of legislation was needed to ensure that the laws of the land were in full conformity with the provisions of the Convention and where they were not, they must be revised. Certain Myanmar laws, such as the Whipping Act, should be repealed as a matter of priority and the gaps in legislation filled. For example, Myanmar should explicitly include in its legislation the principle of non-discrimination and the prohibition of torture.

4. The Convention and the national plan of action should be duly incorporated into sub-national and sectoral programmes and policies and given full budgetary support to ensure that the rights of the child became a reality. The National Committee on the Rights of the Child should have a more active role in monitoring and assessing the situation of children at all levels.

5. Myanmar badly needed measures to raise awareness of and provide information on the Convention, particularly among children. It should be an integral part of the school curriculum and of training courses for people who came into close contact with children, such as judges, teachers and military personnel. The Convention should also be translated into all the ethnic languages to maximize its accessibility.

6. The authorities should endeavour to strengthen the social sectors in terms of budgetary allocations and should reduce the defence budget.

7. Closer cooperation with international organizations and non-governmental organizations (NGOs), especially those relevant to children, was essential in every sphere, from training to the dissemination of the Convention. In the same vein, the authorities should consider launching an international

cooperation project with the United Nations Children's Fund (UNICEF), the Centre for Human Rights, and other interested bodies, to ensure that every aspect of the Convention could become a reality.

8. Careful consideration should be given to the general principles of the Convention, including non-discrimination and the participation of children, and steps must be taken to ensure that they were fully understood and respected. Prompt action must be taken to solve the problem of malnutrition and to eradicate child labour, the forced recruitment of children into the armed forces, the trafficking in children and child prostitution.

9. The CHAIRPERSON said that the Committee's conclusions and suggestions would be finalized and sent in writing to the authorities of Myanmar.

10. U AYE (Myanmar) thanked the Committee for its suggestions and recommendations. The discussion had been a rewarding experience and, despite the lack of time and linguistic difficulties, his delegation had obtained a much clearer idea as to where the Government's efforts should be targeted.

11. Myanmar had become party to the Convention for no other reason than its desire to promote and protect the rights of the child. The duties of the educator or parent should be matched by a child's willingness to accept the guidance of his or her elders and learn from their experience.

12. The Committee's comments on the problem of conflict between domestic legislation and the Convention had been most instructive and it was regrettable that Myanmar had not had the benefit of the experience of the Committee and similar bodies of experts when it had first drafted certain legislative texts. His Government would consider entering reservations to the Convention in areas where its legislation conflicted with the provisions of the Convention and would look at the question of the hierarchy of legislation so as to ensure that laws protecting the rights of the child prevailed over all other instruments.

13. The rights of the child should not be politicized. While the comments of the Committee would be heeded, every care should be taken to avoid giving credence to allegations made by groups that were opposed to the Government of Myanmar, allegations that were totally without foundation and counter-productive in terms of the promotion and protection of human rights.

14. The CHAIRPERSON thanked the delegation of Myanmar for its statement but reminded it that a State incurred obligations when it ratified the Convention and that the Committee was entitled to use any available sources in its examination of the situation of the rights of the child in any country.

15. The delegation of Myanmar withdrew.

Initial report of the Syrian Arab Republic (CRC/C/28/Add.2 (Arabic and English only); CRC/C/Q/SYR.1 (list of issues); written replies by the Government of the Syrian Arab Republic with no document symbol)

16. At the invitation of the Chairperson, Mr. Nseir, Mr. Dawalibi and Miss Jarf (Syrian Arab Republic) took places at the Committee table.

17. Mr. NSEIR (Syrian Arab Republic) said that he welcomed the opportunity to enter into a dialogue with the Committee, which was known to be competent, independent and frank. His Government recognized the importance of ensuring the rights of the child since children were the key to a country's future. The ratification of the Convention was proof of the political will to promote and protect the rights of the child at the highest level.

18. Since ratifying the Convention, Syria had been working to bring its legislation into line with the Convention itself and with the national objectives outlined by the Prime Minister in a statement to the National Assembly in 1994. His Government realized that the implementation of the Convention required not only political will but also the introduction of the necessary legislation and policies.

19. The Constitution stipulated that the family was the basic unit of society and his Government was concerned to enhance the social, economic and cultural levels of society in order to provide better protection for children, in the knowledge that a healthy society depended on healthy children and vice versa. The Constitution also contained provisions to encourage marriage, the protection of mothers and children and the establishment of an environment which fostered children's development.

20. The State had undertaken to satisfy the basic needs of all its citizens and to improve the general level of social development. Education was provided free by the State and was compulsory at the lower levels. The authorities sought to involve children fully in the life of the community and considered that Syria's children's agencies compared favourably with those of any other developing country. Mothers and children were provided with a full range of educational, cultural, recreational and health services. Training in child care was provided for parents. Particular attention was paid to vaccination and nutrition programmes and to the needs of orphans, street children and disabled children, for whom special education facilities, cultural centres and television and radio broadcasts were provided.

21. Many non-governmental organizations (NGOs) and United Nations agencies were active in Syria. While the national budget made specific provision for the needs of children, external assistance was needed in such areas as the training of children's workers and the establishment of various kinds of children's centres. The aim was to extend the services to all children, as the funds became available. There was still a shortage of specialist institutions and instructors.

22. Children living in the occupied Syrian Golan were under constant pressure from the Israeli forces of occupation, in flagrant violation of the provisions of the Convention. Israel had imposed an Israeli identity on the schools and their curricula. He thus called upon the Committee to try to alleviate the suffering of those Syrian children. In addition, the Syrian citizens, including children, who had been displaced by the 1967 war were still waiting to return to their homes and living for the day when the Golan was restored.

23. Since the 1960s, his country had based its economic development on a system of five-year plans, an approach which had proved extremely successful,

as could be seen from the growth indicators. Since the 1963 Revolution, the Government had made innovations in all areas of Syrian life, and the reforms had enjoyed the vigorous support of the President. The authorities publicized the reports of the various human rights bodies, including the conclusions and recommendations of the Committee on the Rights of the Child, to ensure that the whole of society was aware of the situation.

24. The CHAIRPERSON invited the members of the Committee to ask questions about the section of the initial report (CRC/C/28/Add.2) entitled "General measures of implementation".

25. Mrs. SANTOS PAIS said that the report adopted rather a legalistic approach, giving many examples of laws affecting children but little assessment of the impact of national legislation and policies on the lives of children or of the changes that had occurred as a result of the ratification of the Convention.

26. She was grateful for the very detailed information given about the Government's reservations to the Convention. However, its concern that article 14 might be so interpreted as to restrict the right of parents to give religious education to their children seemed unjustified. In fact, paragraph 2 of that article stated that the States parties must respect the rights and duties of the parents to provide direction to the child. The right to give religious education was therefore neither prohibited nor at risk and that reservation should perhaps be reconsidered. There appeared to be no need for the reservation to article 21 on adoption since the article applied only to States parties that recognized and/or permitted the system of adoption. Nor could she see the reason for the reservation to article 20, which was a general provision on the situation of children deprived of a family environment and in need of special protection and assistance.

27. Both the initial report and the written replies stressed that most of the country's laws were compatible with the Convention. That was the attitude of most Governments at first, but many of them later came to see the need for some amendments. Since most Syrian legislation had been adopted before the entry into force of the Convention, it could not have been inspired thereby. For example, an age of criminal responsibility of seven years, the different ages of marriage for males and females, and the legislation on work by children were incompatible with the Convention. The whole of Syria's legislation should therefore be comprehensively reviewed.

28. She assumed that one of the functions of the National Committee to Monitor the Implementation of the Convention on the Rights of the Child was to keep the Syrian authorities informed about the proceedings of the Committee on the Rights of the Child. She did not, however, understand the extent of the National Committee's powers. Could it, for example, draw up a strategy for children in the light of the Convention, gather comprehensive information on children with respect to all the areas covered by the Convention, and identify disparities affecting children?

29. Mrs. KARP said that she, too, would welcome more information about the National Committee and some examples of the decisions taken and policies introduced. In particular, she wondered whether the Government had considered

appointing a representative of the Finance Ministry to the National Committee so as to provide a link between decision-making and the provision of funds.

30. Paragraph 20 of the report painted a very positive picture of the Higher Committee for Child Welfare and the point about the integrated utilization of all available resources was very important. However, it did not seem to be part of the Higher Committee's remit to encourage compliance with the basic principles of the Convention concerning the participation of children and their education to their full potential. There was a reference to the need to identify talented children, but the Convention stipulated that all children should be enabled to develop their full potential. The Syrian authorities might consider giving more attention to that point.

31. With regard to the dissemination of the Convention, she would like to know whether it was part of the school curriculum and whether it would be introduced as an obligatory subject. She understood that Syria produced few television programmes itself, most of them being imported. Encouragement might, perhaps, be given to the local production of programmes dealing with the specific circumstances of Syria's children and relating the Convention to the Syrian reality.

32. Mrs. BADRAN said she noted that Syria had two mechanisms for implementing the Convention: the National Committee and the Higher Committee for Child Welfare. It might make sense to merge the two bodies, since their tasks appeared to be similar, and thus enhance efficiency and reduce the need for coordination. She would welcome more information about the way in which the needs of children were taken into account in the five-year economic plans. If possible, children should appear as a separate component in the plans, for such an arrangement would make it easy to identify the proportion of the budget allocated to children and the priority attached to children by the State.

33. With regard to the arrangements for training persons working with children in the provisions of the Convention, it might be useful to introduce the Convention at an earlier stage of the education system, so that the training provided for such persons could build on existing knowledge. She knew that the UNICEF regional office in Amman had a six-country programme on the incorporation of information about the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women into school and university programmes.

34. Mr. HAMMARBERG said that the Syrian Arab Republic managed to maintain fairly high standards in health care and education for children, in spite of the economic difficulties it was undergoing, with levels of expenditure in the sectors similar to those of other States parties. None the less, more up-to-date information on the budget should be provided. He would also like to know what steps were taken to ensure that, in compliance with the provisions of article 4 of the Convention, the best interests of the child constituted a guiding principle in the establishment of the budget.

35. The written replies did not really answer the question as to whether the principles of the Convention were included in the basic curricula and further training of key professionals working with children (teachers, social workers and so on). Further details in that regard would be welcome.

36. The Higher Committee for Child Welfare seemed to have very broad terms of reference, with a comprehensive approach which involved the various government departments so as to ensure that the necessary decisions were taken as appropriate. However, it was inadvisable that the body responsible for programmes and key decisions should also monitor their implementation. Perhaps that could be assigned to another organ, such as an ombudsman, for the sake of greater transparency.

37. He stressed the importance of appropriate arrangements for coordination between the central Government and local authorities so as to ensure that obligations undertaken by the Government, such as the Convention, were effectively implemented at the local level, where most decisions affecting children were taken. Likewise, it was essential to have a mechanism which allowed for constructive cooperation with the NGOs, while respecting their independence.

38. He endorsed the comments made by Mrs. Santos País about the reservations entered by the Syrian Arab Republic regarding the Convention, which seemed unnecessary. The arguments put forward for the reservations were not entirely convincing: either there was some misinterpretation of the provisions concerned or there were other reasons behind the State party's decision, which it had not fully explained.

39. Mr. KOLOSOV said that the Vienna Declaration recognized the right of every individual to participate actively in the defence and promotion of his or her human rights. However, that could be achieved only if people were made fully aware of the meaning and importance of such rights. In his experience, despite the efforts purportedly made by Governments to educate children concerning human rights, they were generally fairly ignorant on the subject.

40. Specific goals must therefore be set in education. The dissemination of information on human rights must be an ongoing process; it should be included in the national school curricula and also in civic education. Moreover, the proper training of human rights teachers with a specialist knowledge of national and international legislation was equally important so as to ensure that children could be real partners in the promotion of human rights.

41. The ombudsman was not just a fashionable mechanism but a genuinely important means of providing remedies for violations of human rights which, intentionally or otherwise, would always occur in every State party under any type of political regime. People would take their grievances to a court of law only as a last resort; the ombudsman was a far more accessible figure. Moreover, on the basis of the complaints lodged and information collected, the ombudsman could make suggestions to the competent government bodies as to where improvements might be made. He thus recommended the appointment of an ombudsman in the Syrian Arab Republic, particularly since, according to the report, there were no particular obstacles in that regard.

42. Mrs. SARDENBERG asked whether there was a specific system for collecting data concerning children and, if so, how such data were taken into account in formulating social policies and establishing the five-year economic plans. Did the current budgetary allocations reflect the Government's concern about the disparities between urban and rural areas and their impact on children?

43. She would like to know something more about the NGOs active in the Syrian Arab Republic such as their status, funding, the procedures for their registration and their role in implementing the provisions of the Convention.

44. With regard to efforts to publicize the Convention, she wondered whether there were any materials available for that purpose which were suitable for children of different ages and stages of development. Lastly, she sought clarification regarding the different bodies responsible for children's affairs in the Syrian Arab Republic. Was the body set up to deal specifically with the preparation of the report also responsible for monitoring implementation of the Convention? It was essential that there should be an efficient and independent monitoring mechanism.

The meeting was suspended at 4.50 p.m. and resumed at 5.05 p.m.

45. Mr. NSEIR (Syrian Arab Republic) said, on the subject of reservations, that his Government's reservation to article 14 of the Convention related exclusively to the right of the child to freedom of religion, as indicated in the interim report (para. 82). In the Syrian Arab Republic, children must be brought up in the religion of their parents.

46. As for the reservation to articles 20 and 21, he stressed that adoption would not be recognized as an institution in his country, since it conflicted with Syrian law, including the Personal Status Act, and the Syrian Constitution, which were based on the Islamic Shari'a. It referred to the need for the protection of orphaned children within the immediate family environment and provided for the alternative kafalah system of care.

47. Specific legislation relating to children, such as the Administrative Decree of 1981, was designed to ensure that the protection afforded to children should be in their best interests. That seemed to be in keeping with the basic thrust of the Convention. Furthermore, the Syrian reservation regarding adoption was fully in line with the Vienna Declaration, which underlined the significance of national and regional particularities and various historical, cultural and religious backgrounds.

48. Miss JARF (Syrian Arab Republic), elaborating on the steps taken to publicize the Convention, said that UNICEF had provided printed publications of the text of the Convention which would be distributed in State schools and would be included in the school curricula. In order to reach both urban and rural areas, efforts would be made to ensure that newspapers carried an article on the Convention especially designed for children, so that they could easily become aware of their basic rights. The text of the Convention, illustrated with photographs, had also been published in a children's magazine.

49. There were also plans to produce a television programme hosted by a well-known television personality on which children and parents would have the opportunity to ask questions about the Convention.

50. In cooperation with UNICEF, the Ministry of Education had agreed to introduce the Convention into the curricula of the faculties of medicine, law and social sciences, thereby ensuring that future generations of professionals in contact with children would be well-acquainted with the provisions of the instrument. The text of the Convention had been distributed to all ministries, national health centres, NGOs, youth associations and women's groups.

51. Mr. DAWALIBI (Syrian Arab Republic) said that the Convention covered a very wide range of issues. In view of the importance his country attached to the instrument, a National Committee had been established, to monitor the implementation of its various provisions. All those provisions had been addressed in the country's Seventh Five-Year Plan, which was currently being implemented, with each ministry responsible for activities within its sphere of competence.

52. For example, over and above its efforts to improve children's health in general, the Ministry of Health had undertaken an ambitious vaccination programme; there were also projects under way, with international assistance, to train midwives and child-birth attendants. The Ministry of Labour had launched programmes for the protection of disabled children, including their training in specialized centres. The Ministry of Education had plans to ensure that the study of the Convention was incorporated in the curricula of the relevant university faculties.

53. There was no overlap between the work of the National Committee and that of the Higher Committee for Child Welfare. The former was an executive, the latter a political body. The National Committee monitored children's affairs and the rights of the child, studied the effectiveness of institutional arrangements with a view to coordinating policy at national, regional and local levels, and prepared periodic reports for circulation to the Higher Committee and the NGOs.

54. The Higher Committee was a 24-member ministerial body that took political decisions at the government level, acting on the basis of proposals forwarded to it by the National Committee with a view to securing implementation of and follow-up to the provisions of the Convention. It played a key role in harmonizing and modernizing legislation on the protection of children.

55. The CHAIRPERSON said she wondered why there was no representative of the Ministry of Finance on the National Committee, given that that Committee's functions included making financial proposals to the Government, as required by the Convention.

56. Mr. DAWALIBI (Syrian Arab Republic) said that it would clearly be useful to have a representative of the Ministry of Finance on the National Committee. The delegation would pass that constructive proposal on to the appropriate Syrian authorities.

57. Mr. NSEIR (Syrian Arab Republic) said that the situation regarding children's criminal responsibility was explained in paragraphs 236 and 237 of the initial report. Children aged 7 to 15 bore some criminal responsibility, but could not be sentenced by the courts. There were special courts to protect children; their proceedings took place in camera, and the child could choose whether or not to be present. Children below the age of 15 were never imprisoned, but various reform measures could be imposed on those aged between 7 and 15 at the discretion of the judge.

58. The minimum age for marriage was 18 for boys and 17 for girls. A draft law on family protection envisaged increasing that minimum age. Under-age marriages contracted under duress were not recognized or registered.

59. The Government protected children against any form of economic exploitation. Children could not be employed under the age of 12, and specific measures protected children over that age from being employed in certain industries such as carpet-making and from engaging in activities harmful to their physical or psychological health. They also prescribed maximum working hours. Shops, commercial premises and factories found to be violating those regulations were closed down. In rural areas, children engaged in seasonal agricultural activities together with other members of their families. They received no payment for their work and were not regarded as employees.

60. Mr. DAWALIBI (Syrian Arab Republic), referring to the procedure for lodging complaints, said that under Syrian law the Prosecutor-General could investigate any offence or violation on the basis of an allegation, accusation or complaint.

61. Questions had also been asked about the NGOs. Article 12 of the Constitution provided that the State was at the service of the people. Its article 48 further stipulated that the popular masses had the right to establish trade-union, social and professional organizations and production or service cooperatives, the framework, interrelationships and operational scope of which were to be prescribed by law. The Private Associations and Institutions Act No. 93 of 1958 regulated the activities of such associations and defined their terms of reference, thereby providing a legal framework for NGO activiites.

62. Mrs. SANTOS PAIS said that the preamble to the Convention referred to the importance of the traditions and cultural values of each people for the protection and harmonious development of the child. As she had already pointed out, far from obliging States to recognize adoption, the Convention acknowledged that some States did not recognize such a system, and explicitly mentioned the kafalah of Islamic law in its article 20. She therefore saw no need for the Syrian Arab Republic's reservation in that regard.

63. Similarly, it should consider withdrawing its reservation regarding freedom of religion, as article 14 of the Convention explicitly recognized the right of parents to provide direction to the child.

64. The delegation had made it clear that the Higher Committee for Child Welfare was a political body, whereas the functions of the National Committee were executive and administrative. It was important, nevertheless, to ensure that proper coordination existed between the two bodies: the separation of powers must not be invoked as an excuse for failure to adopt appropriate policies to protect children. It was not very clear how the two bodies ensured vertical coordination between central and local authorities in the implementation of those policies in remote areas.

65. Lastly, it could not be plausibly asserted that children between the ages of 7 and 15 bore no criminal responsibility, if they were in fact liable to be detained in reform institutions in conditions that were tantamount to imprisonment. That state of affairs was incompatible with the provisions of the Convention.

66. Mrs. KARP said that she welcomed the delegation's readiness to accept the Committee's proposal that the National Committee should include a representative of the Ministry of Finance among its members. It might also be useful for a representative of that Ministry to participate in the work of the Higher Committee for Child Welfare, which was responsible for integrating resources.

67. She had received no answer to her question concerning the Higher Committee's terms of reference. It was her understanding that the purpose of the Higher Committee was the protection of children and that it had been established before the entry into force of the Convention. She wondered, therefore, whether its terms of reference would be amended to reflect the new concept of participation set forth in the Convention.

68. Noting that various statistics had been provided concerning children below the age of 15, she asked why no data were available for children between the ages of 15 and 18. She also wished to know the justification for setting the minimum age of competence to act as a party in legal proceedings at 18 (para. 46 of the initial report), a provision that prevented all children from participating in the promotion of their own rights. Lastly, it was stated in paragraph 47 of the initial report that persons under 15 years of age were deemed competent to testify only in cases involving rape and indecent acts. That exception should surely be extended to include all cases in which a child's own interests were at stake.

The meeting rose at 6 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourteenth session

SUMMARY RECORD OF THE 361st MEETING

Held at the Palais des Nations, Geneva,
on Friday, 17 January 1997, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of the Syrian Arab Republic (continued)

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GE.97-15268 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Syrian Arab Republic (continued) (CRC/C/28/Add.2; CRC/C/Q/SYR.1 (list of issues); written replies from the Syrian Government (document without a symbol))

1. At the invitation of the Chairperson, the members of the Syrian delegation took places at the Committee table.

2. The CHAIRPERSON invited the Committee members to put their questions to the members of the Syrian delegation.

3. Mrs. EUFEMIO requested information about the situation of Christian children adopted by Christian families. Might they be subject to discrimination?

4. Mr. HAMMARBERG referred to the importance in general of the harmonization of legislation. The question of early marriage well illustrated the need for clear legislation, all the more so as that thorny issue was bound up with the country's traditions. It was important to take measures to prevent the marriage of girls before the age of 18, a practice that was contrary to respect for women's rights and the principles set forth in the Convention on the Elimination of All Forms of Discrimination against Women, even if the Syrian Arab Republic had not ratified that Convention.

5. He noted that there were several women's organizations acting with initiative and independence in the Syrian Arab Republic. Their activities should be encouraged by the Government. In addition, it would be useful for the Syrian authorities to cooperate with international non-governmental organizations (NGOs) that could bring to bear all their experience in the field of children's rights. Positive cooperation had, for example, been established with a Swedish organization concerned with the disabled.

6. Mr. KOLOSOV said he was not satisfied with the discussion held at the previous meeting on the reservations which had been made by the Syrian Arab Republic to the provisions of article 14, concerning the right of the child to freedom of religion, and articles 20 and 21, concerning adoption, on the ground that those provisions were not in conformity with the country's legislation and with the principles of the Shari'a. The reservations were formulated in such a way as to render the articles in question meaningless. It should be pointed out that the Islamic community was not the only community in Syria. However, it appeared from the reservations that children belonging to Christian communities were deprived of the protection guaranteed by article 14, especially in the case of adoption. All those reservations had a negative impact on the children of non-Islamic communities and should therefore be reconsidered.

7. He would welcome clarification regarding the age of criminal responsibility and the Juvenile Delinquents Act. There was no justification, in his view, for bringing criminal proceedings against children who were 8 or 9 years of age.

8. Mr. MOMBESHORA said he understood that the family planning service in the Syrian Arab Republic aimed to harmonize population growth with economic resources. He would like to know whether that service covered all parts of the country and what was the attitude of men towards family planning. In addition, he would like some details about the "traditional patterns of fertility". It would also be of interest to have fuller information about spending on health care and social services in relation to the defence budget.

9. The CHAIRPERSON invited the Syrian delegation to reply to the questions asked by members of the Committee.

10. Mr. NSEIR (Syrian Arab Republic) said that the authorities of his country had entered reservations to article 20 of the Convention (concerning adoption) as a precaution in order to avoid any misunderstanding, since Kafala constituted an alternative protection in Islamic law. It permitted, in some cases, the recognition of a certain lineage (even when the marriage was illegal or customary). Islam was the predominant religion in the Syrian Arab Republic. However, marriages and divorces were pronounced officially by the appropriate authorities of each religion and, in that regard, the general law therefore applied to Christian children, even in cases of adoption by Christian families.

11. Early marriages were becoming increasingly rare. The Government was taking measures in the framework of compulsory education and with the assistance of NGOs active in the cities and rural areas. However, if a girl became pregnant, she rarely agreed to stay in her family and generally opted for marriage, which was registered only if the girl was at least 14 years of age. The law on marriage currently set the permitted age at 18 years for males and 17 years for females. Some NGOs had proposed harmonizing the age of marriage for men and women, in the spirit of the Convention.

12. Concerning statistics, he had some recent figures for all age groups and would transmit them to the secretariat. He also undertook to ensure that such statistics appeared in future periodic reports of the Syrian Arab Republic.

13. Turning to the question about the provisions of the law concerning the prosecution of minors, he said that in the Syrian Arab Republic the definition of "child" corresponded to that of article 1 of the Convention. The age of civil responsibility was 18 years and the age of criminal responsibility was 15 years. Thus, at the age of 15, a child could appear in court and make a statement, although without being required to take an oath, and that statement would be considered solely as evidence. Different sanctions were applied depending on the age of the child offender (up to 7 years, from 7 to 15 years, and from 15 to 18 years). Children aged under 15 were not kept in detention, but placed in re-education centres, separated from adults. A prison sentence handed down against a young person aged 15 to 18 could not exceed 12 years. He referred the members of the Committee to the initial report for a detailed description of the administration of juvenile justice in the Syrian Arab Republic.

14. Mr. DAWALIBI (Syrian Arab Republic) said that the Higher Committee for Child Welfare had been established in 1982, under the chairmanship of the Deputy Prime Minister, with the object of strengthening and coordinating the

activities of all parties working on behalf of children in order to maximize the use of existing facilities. The First National Conference on the Survival, Development and Protection of Children had been held in 1991 and a national action plan had been adopted following that Conference.

15. In schools teachers were very conscious of the need to treat pupils fairly. In the re-education centres, children who believed that they were victims of violations could complain to the authorities and the Attorney-General was required to examine any complaints he received.

16. Adoption was not provided for in the Islamic Shari'a, but in respect of children of unknown parents Syrian law provided for Kafala, which was a system of solidarity whereby persons able to do so were called upon to help those in need. At the same time, the rights of members of other confessions were fully guaranteed.

17. Mrs. BADRAN remarked that the constitutions of most Arab countries stipulated that the Shari'a was the principal source of all law. As adoption was not provided for in the Shari'a, those countries had consequently made reservations to articles 20 and 21 of the Convention and any State wishing to withdraw those reservations would therefore have to modify its constitution. The question had been asked whether such reservations were incompatible with the object and purpose of the Convention and it was agreed that that was not the case. Indeed, the system of filiation was considered by many as superior to the system of adoption and, in that regard, it should be remembered that article 41 of the Convention stipulated that nothing in the Convention should affect any provisions which were more conducive to the realization of the rights of the child and which might be contained in the law of a State party. As to the application of article 14, it should be recalled that the Shari'a prohibited apostasy, thus accounting for the reservation made by the Syrian authorities concerning that article.

18. Mr. KOLOSOV pointed out that the Convention explicitly prohibited all discrimination on religious grounds. Muslim children could be treated according to the precepts of the Shari'a and Christian children according to Christian tradition, but they must all enjoy the same rights. In his view, the fact that the Syrian Constitution enshrined the Shari'a as supreme law did not justify the reservations made by the Government to certain articles of the Convention.

19. Mr. HAMMARBERG said that there was no need to dwell on the cultural differences between countries as long as the common goal was the full realization of the best interests of the child. Furthermore, article 20 of the Convention, which provided for alternative protection of a child deprived of his or her family environment, referred both to Kafala of Islamic law and to adoption, without making any judgement on the respective merits of the two systems. As he understood it, the reservations made by the Syrian authorities were intended simply to make it clear that Syrian laws did not recognize the system of adoption.

20. The CHAIRPERSON said that she fully shared that opinion and saw the reservations as having something of a preventive character. It would perhaps have been better for the Syrian authorities to have made a declaration rather than formulate reservations, and they might consider that possibility.

21. Mrs. ABIR JARF (Syrian Arab Republic) said that family planning services were provided, in collaboration with UNICEF, by the various bodies attached to the Ministry of Health. The public was well informed about the various services, which were supplied free of charge. Furthermore, there was a family planning association with offices at the regional level. An ambitious programme, entitled "Healthy villages", guaranteed that the services and care which women needed were provided in each village by a doctor and a social worker. The Syrian authorities also aimed to raise awareness among girls of school age so that they were well informed by the time they reached the age of 18. The proportion of the national budget devoted to education had increased from about 7 per cent in 1995 to roughly 11 per cent in 1996.

22. Mr. NSEIR (Syrian Arab Republic) added that the Syrian Constitution guaranteed NGOs protection and cooperation on the part of the Government, provided that they were working in the country's general interest.

23. The CHAIRPERSON invited the members of the Committee to ask questions concerning the definition of the child and general principles.

24. Mrs. SANTOS PAIS encouraged the Syrian authorities to ensure regular cooperation between the Higher Committee for Child Welfare and the National Committee for Children so that any overlapping of activities would not in practice be detrimental to the full realization of the rights of the child. On another point, she regretted the fact that neither the initial report nor the written replies supplied by the delegation contained precise data on early marriages, the ethnic origin of children or the situation of the disabled. The Committee wished to have information specific to children (by age, sex, origin, etc.).

25. Article 12 of the Convention required that the child should be provided with the opportunity to be heard in any judicial or administrative proceedings affecting the child, yet the Syrian delegation had indicated that a child under 18 was not allowed to go to court. Was the Syrian Government intending to align national legislation with the provisions of the Convention in that regard?

26. The fact that married girls were not allowed to continue primary and secondary education was hardly justifiable from the standpoint of observance of the child's best interests and right to education. She would also like the provisions concerning the legal age of marriage for girls - set at 17 years - to be reviewed, and pointed out that there was a contradiction between the authorization of early marriage and the fact that the family planning services were intended only for women from the age of 18 years. She noted furthermore that the principles of the Arab Ba'ath Socialist Party prohibited any discrimination between citizens based on sex, origin, language and religion and that the Constitution provided that all citizens were equal before the law. However, article 2 of the Convention went much further, since it

prohibited all forms of discrimination against any child within the jurisdiction of the State party and therefore applied, inter alia, to children who were aliens, stateless persons, refugees or asylum-seekers. In that regard, it would be useful to know what measures were being taken to ensure that such children, in particular those belonging to the Kurdish minority, enjoyed all the rights set forth in the Convention, notably concerning the registration of births, access to education and the acquisition of a nationality.

27. Mrs. KARP said that she would like to know the size of the population aged under 18 years, since that figure did not appear in the statistics provided by the Syrian delegation, which included persons aged 19 in the same category as younger persons. She also noted that, under the Law of Evidence, a minor aged 15 was not entitled to testify in court unless he or she had been the victim of sexual abuse. Might it not be worth while to change the law so that a minor aged 15 could testify in any case where the judge believed the child was sufficiently mature, and also so that any child, in conformity with article 12 of the Convention, had the opportunity to be heard in any judicial or administrative proceedings affecting him or her, particularly concerning the choice of the parent to be granted custody or in the case of disciplinary action being taken against the child at school?

28. Mr. MOMBESHORA asked whether the relative failure of the family planning policy, as witnessed in particular by the annual growth rate of the population, which had increased from 3.31 per 1,000 in 1981 to 3.35 per 1,000 in 1994, was due to the fact that men were not sufficiently involved in putting that policy into effect. Regarding the State budget, he would like to know the respective amounts of the resources allocated to the social sector, defence, education and health. In addition, the report stated that the wife could not take her children on a journey without the consent of her husband: could the Syrian delegation indicate whether that obligation applied equally to the husband? Lastly, the fact that nursery schools and kindergartens were not available for disabled children (para. 147 of the initial report) was, in his view, a flagrant case of discrimination against that category of the population.

29. Mrs. EUFEMIO asked about the age from which children, without their parents' consent, could consult a doctor, receive medical treatment, engage in sexual intercourse, enrol in the army, go to law, know the identity of their natural parents, set up an association, smoke tobacco and drink alcohol. The report indicated that the law prohibited all discrimination based on gender and yet the illiteracy rate was higher for girls than boys. She would therefore like to know what measures were being taken to give full effect to the law and to determine, using appropriate indicators, the areas in which efforts should be made to put an end to such discrimination in practice.

30. Mr. HAMMARBERG said that the number of early marriages should be reduced not by punishing adolescents who became pregnant - they should be seen as victims needing help and not as guilty persons - but by changing attitudes. With regard to cooperation with non-governmental organizations, he strongly encouraged the Government to determine, in a spirit of openness, the conditions in which NGOs could pursue their efforts on behalf of children. Concerning Kurdish children who were born in the Syrian Arab Republic and

treated as aliens or stateless persons ("Maktumeen"), the Syrian delegation might wish to state what measures were being taken, in accordance with the Convention, to regularize their situation. Lastly, he invited the Syrian Government to do its utmost to give full effect, both at the legislative level and in practice, to article 3, paragraph 1, of the Convention, which required that "the best interests of the child shall be a primary consideration".

31. Mrs. BADRAN agreed with Mrs. Santos País and Mr. Hammarberg on the question of early marriages. In general, early pregnancies principally affected girls from poor families and there was a link between early marriage and dropping out of school. The use of contraceptives could not remedy that problem alone. There was a need to change attitudes and, for that purpose, to adopt a comprehensive approach that did not neglect any aspect of the problem. The collaboration of UNICEF could prove very useful in that regard. There was also a need to make every effort to ensure that children were not obliged to work, for a working child was deprived of the rights to education and leisure set forth in the Convention.

32. Concerning the right to a nationality, she asked whether the campaign by the Syrian Women's Federation to ensure that the child of a Syrian mother and foreign father automatically acquired Syrian nationality, in the same way as a child with a Syrian father and foreign mother, had been successful. Lastly, regarding the best interests of the child, which must have the highest priority of all, she would like to see all persons responsible for taking decisions affecting children, especially teachers and magistrates, receive thorough training in child psychology.

The meeting was suspended at 12.05 p.m. and resumed at 12.15 p.m.

33. Mr. NSEIR (Syrian Arab Republic) said that every child had the right to a name, which was given by the father, or by the mother if the father was unknown, or else by the civil registrar if both parents were unknown (see para. 65 of the report).

34. Under the Nationality Act No. 276, a child was deemed to be Syrian Arab if he or she was born in the Syrian Arab Republic or abroad to a Syrian Arab father; born in the Syrian Arab Republic to a Syrian Arab mother and unknown father; born in the Syrian Arab Republic to parents who were unknown or stateless; or born in the Syrian Arab Republic to parents who were aliens whose nationality the child could not acquire. Accordingly, in the Syrian Arab Republic there was no child who did not have a name and nationality (see para. 66 of the report). The higher interest of the nation nevertheless prevailed over the particular interest of individuals. A brief historical review would aid understanding of the situation of the "Maktumeen" in regard to nationality. From 1945 onwards, numerous Kurds from neighbouring countries had settled illegally in Syria, chiefly in the Al Hasaka region, and many had succeeded in fraudulently obtaining Syrian identity cards. To remedy that situation, in 1962 the Government had conducted a census during which the inhabitants of that region able to prove that they were Syrians had been entered in a new civil register. The others had been listed as aliens in another register especially created for that purpose. However, persons believing that they had been classified erroneously as non-Syrians had appealed against that decision. It had consequently been decided to take into

account persons included in the civil registers before 1945, persons of Christian or other religions registered up to 1959, persons residing in the country before 1945, persons retired from the civil service or the army and persons employed in the civil service or having worked for the State for at least 10 years at the time of the census. As a result, the number of officially registered aliens had dropped from 80,000 in 1962 to 40,000 in 1976; births had increased that figure to 45,000 in 1985 and 67,000 in 1995. After the census, other persons had entered Syria illegally to settle in the Al Hasaka region. Although there were no official records concerning them, their number was estimated at 60,000 in 1985 and 70,000 in 1995. The children of aliens residing in the region in question were admitted into schools in the same way as Syrian children.

35. Concerning the acquisition of Syrian nationality, the law contained provisions allowing for humanitarian treatment of very isolated specific cases, but it did not provide for the granting of Syrian nationality to aliens entering Syria illegally with political or other aims. The law furthermore provided that nationality could be obtained only on an individual, and not a collective, basis.

36. Regarding the comments on the statistics provided, it was true that the data could have been more detailed, particularly on the composition of the population, but there was a lack of funds and technical assistance would be required. The allocation of budgetary resources among the ministries (2 per cent for health, about 10 per cent for education and 31 per cent for defence) clearly depended on certain conditions that were well known to all.

37. Mr. DAWALIBI (Syrian Arab Republic), replying to the comments made on the question of discrimination, said that the Constitution and laws of the Syrian Arab Republic were perfectly clear on that issue and, in particular, guaranteed everyone the right to freedom of opinion and belief. On the specific point of the acquisition of nationality, there were proposals to modify the law so that not only the father but also the mother could give their nationality to the child. Children were not discriminated against on account of their ethnic origin and children without Syrian citizenship had the same fundamental rights as Syrian children. An unregistered child was also covered by the law, but parents who did not register their children or send them to school could be penalized. Lastly, the age for enrolment of young people into the army was set at 19 years.

38. With regard to health, children could receive medical care only with the agreement of their parents or guardians except, of course, in cases of emergency. As to the question of sexuality, it should be pointed out that pornography was banned. Sexual intercourse was permitted within marriage. He could reassure Mrs. Badran, who had said that early marriage might perhaps put young girls in a situation of inequality in terms of education, that his Government was conducting the necessary awareness-raising and training programmes, in cooperation with NGOs and international organizations concerned with children. The Syrian authorities were anxious to promote the best interests of the child and would certainly take account of the Committee's comments and incorporate suggestions for that purpose into future programmes.

39. Mr. NSEIR (Syrian Arab Republic) said that his Government would endeavour, despite its modest resources, to improve and build upon the existing mechanisms for promoting the rights of the child, in order to achieve positive results which could be reflected in the statistics in future. Syrian legislation was already largely in conformity with the provisions of the Convention, but since the Convention in any event prevailed over national legislation, the Government would see to it that the minor adjustments still required were made.

40. Mr. HAMMARBERG, referring to the question of the exercise by the Kurds of their civil rights, noted that according to the State party itself the census carried out in the north of the country in the early 1960s had without doubt been somewhat arbitrary. However, the procedures applied to remedy that situation, as they had been described, seemed extremely cumbersome. The urgency of the situation and the requirements of the Convention obliged the State party to act more quickly to grant Syrian citizenship to stateless children born and residing in the Syrian Arab Republic.

41. The information communicated by the State party suggested that the situation in the field of education was satisfactory. However, other information sources reported a number of problems, in particular regarding access to higher education for children with a different citizenship status. In his view, therefore, the State party should pursue a policy to promote children's rights that was more direct and closer to the Convention, ensuring for each child the right to the nationality of the country in which he or she lived.

42. Mrs. KARP, returning to the question of early marriage, observed that arranging for a marriage between children who were not of the required age was an offence in some countries. However, since the delegation had not returned to the question of taking the child's views into account, she assumed that the authorities would take the necessary steps to ensure that the child's opinion could be heard.

43. Mrs. SANTOS PAIS said that she had taken note of the State party's views concerning the politicization of the Kurdish issue. However, she wished to point out that, under article 2 of the Convention, States parties were required to ensure the rights set forth in the Convention for each child within their jurisdiction. By denying Syrian nationality to Kurdish children deprived of a nationality, the Syrian Arab Republic was contravening article 7 of the Convention, which enshrined the right of every child to a nationality, in particular where the child would otherwise be stateless. It also appeared that Kurdish children were being stigmatized, since the Kurds were considered as a distinct population group on account of their ethnic and national origin, and that too was contrary to the requirements of article 2. On completing their school education, moreover, Kurdish children received a lower diploma, hardly preparing them to be integrated into the life and society of the country. On the basis of humanitarian, and not political, considerations, the State party should therefore review its legislation and procedures.

44. The laws and procedures concerning the registration of refugee children born in Syria should also be revised. The State party could hardly claim that its juridical framework in that regard was satisfactory until it had made an

exhaustive study of all the pertinent elements of the legislation, and any gaps or inconsistencies relative to the Convention. Having recognized the primacy of the Convention over national legislation, the State party should adapt its laws concerning children in all areas, if possible in close cooperation with UNICEF, the Centre for Human Rights and NGOs. The provisions concerning the name of the child should also be reviewed to ensure equality between the two parents, so that the child bearing the name of his or her mother was not immediately identified as being of an unknown father.

45. Mr. KOLOSOV agreed that the question of the nationality of Kurdish children should not be viewed from a political standpoint. There was no Kurdish nation or Kurdish State. The Kurds had settled in several countries, including some of the new independent States of the former Soviet Union, such as Azerbaijan and Georgia, whose nationality they had naturally acquired. In the Syrian Arab Republic, however, the Kurds were registered as "aliens". In terms of the universal norms of law whereby nationality established a stable legal relationship between a person and a particular State, it was hard to see whether the Syrian authorities considered the Kurds as citizens of another country, which was generally the meaning of "aliens", or rather as stateless refugees. Whatever the case, ethnic origin was irrelevant and children born in the Syrian Arab Republic should not be deprived of nationality or citizenship. There also seemed to be an amalgamation of two concepts in the wording of the Nationality Act, which spoke of "Syrian Arabs". In any event, the Syrian authorities should look for a solution enabling them to harmonize their legislation with the provisions of article 7 of the Convention, if necessary drawing upon the 1961 Convention on the Reduction of Statelessness.

The meeting rose at 1.05 p.m.

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Fourteenth session

SUMMARY RECORD OF THE 362nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 17 January 1997, at 3 p.m.

Chairperson: Mrs. SARDENBERG
(Vice-Chairperson)

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of the Syrian Arab Republic (continued)

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In the absence of Mrs. Belembaogo, Mrs. Sardenberg, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Syrian Arab Republic (continued) (CRC/C/28/Add.2; CRC/C/Q/SYR.1 (list of issues); written replies by the Government of the Syrian Arab Republic with no document symbol, in English)

1. At the invitation of the Chairperson, the delegation of the Syrian Arab Republic resumed its place at the Committee table.

2. The CHAIRMAN invited the delegation to reply to the questions not answered at the previous meeting.

3. Mr. NSEIR (Syrian Arab Republic) said that his country did its utmost to ensure the best interests of the child - an essential factor in the implementation of the Convention on the Rights of the Child. The matter had been taken into account in several pieces of legislation. For example, as pointed out in paragraph 54 of the initial report (CRC/C/28/Add.2), if a number of persons were entitled to custody of the child, the judge had the right to select the most appropriate; and if an estranged wife had children over five years of age, the judge could place them in the custody of either of the spouses, taking into consideration the interests of the children.

4. The best interests of the child were also ensured in the education system. In primary and secondary schools, representatives of the children participated in the school council and in decision-making, especially with regard to matters of discipline and the curriculum. The best interests of the child were also manifested in the free access to education at all levels of the system. The same applied to the health services. In addition, all cultural, sporting and leisure activities were free for children. There were specialized institutions to care for homeless and disabled children, although the preference was that children should remain in their families as the most suitable environment for their development. The mass media and the school system were also used to promote respect for children and improvement in their treatment.

5. Miss JARF (Syrian Arab Republic) said that the refusal to admit married girls to school did not amount to discrimination. The purpose was to prevent early marriage, not to deny such girls their right to education. The education authorities were planning to make education compulsory up to completion of the secondary level, so that parents would be obliged to send their children to school until that age, subject to penalties of imprisonment.

6. Free literacy programmes were also operated throughout the country to provide training up to the secondary level for men and women. The programmes were run by the Women's General Federation in collaboration with the United Nations Children's Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). The Federation was establishing nurseries, even in remote villages, to look after children

while their mothers attended the courses. There were also television programmes teaching reading and writing and general secondary subjects.

7. The requirement that the father must give his consent before a child could make a journey with the mother had been cited as an example of discrimination. The Federation was currently sponsoring legislation to establish equal treatment in that respect whereby the father would have to obtain the mother's approval for such a journey.

8. The fertility rate had declined from 6.8 to 4.2 children per woman as a result of the Government's information and awareness programmes, carried out by the Ministry of Health and its family planning services.

9. Children suffering from minor disabilities were accepted in the ordinary schools, while those with more severe disabilities were catered for in special centres. There were also centres, run in collaboration with non-governmental organizations (NGOs), that provided training for parents in the care of disabled children. Three seminars on such training had been held over the past two years. UNESCO was cooperating with the Government in providing training for the parents of mentally disabled children. Bilateral arrangements had also been made with the Australian Government and with Swedish organizations for the provision of such training. All those activities showed the Government's concern to incorporate disabled children into the education system and prevent discrimination against them. It was also trying to provide opportunities for the suitable employment of disabled persons.

10. There were several Syrian-produced radio and television programmes for children, including animated cartoons, which provided guidance on a range of practical topics. Other programmes were produced by NGOs working in Syria.

11. Mr. DAWALIBI (Syrian Arab Republic) said that several questions had been asked about citizenship and the Kurdish minority in Syria. Syria had no problem with its ethnic or cultural minorities and many Kurds had lived in the country since independence with the full rights and obligations of citizenship.

12. There was, however, a problem of illegal Kurdish immigrants, large numbers of whom were fleeing difficult situations in neighbouring countries. The international community urged Syria to grant citizenship to such persons on humanitarian grounds and, in the case of children, on the basis of the provisions of the Convention. The rights of children could not, however, be viewed in isolation from the political context. All countries had legislation governing the entry and naturalization of foreigners, and Syrian legislation in the matter was no more discriminatory or rigid than that of other countries. States parties to the Convention could not be obliged to grant citizenship to everyone entering their territory illegally.

13. His Government was well aware of the political dimensions of the situation and, on humanitarian grounds, it did not exclude the possibility of helping stateless persons. A committee had been set up to consider the question but had not yet completed its work.

14. The Committee was engaged in discussing with his delegation the initial report on Syrian children and not a report on the children of illegal Kurdish immigrants. It might be more relevant to discuss the problem of the children living in the Syrian Arab Golan Heights. According to a recent report of the International Committee of the Red Cross (ICRC), the occupation forces had since 1982 been banning cross-frontier visits by members of separated families. That situation clearly had a very serious emotional impact on such families and their children.

15. Mrs. KARP said that she might have been misunderstood at the preceding meeting. Her question had concerned the specific right of children to have their opinions heard when decisions were being taken concerning their welfare. She had referred to the apparent lack of legislation obliging judges and other officials, including social workers, to give children a personal hearing in such situations. It was vital that Syria should bring its legislation into line with the Convention in that regard.

16. Mr. HAMMARBERG said that the Committee was seeking to establish the true situation in Syria and to discuss remedies for any deficiencies. The delegation must therefore try to understand the issues raised and show a willingness to investigate possible problems. In that context, the statement just made by Mr. Dawalibi was most unfortunate.

17. The Committee had raised the issue of a number of Kurds who, according to Syria's national census, had been born in its territory but had not received citizenship. The delegation maintained that the law allowed such persons to obtain citizenship, but the Committee understood that the process was a long and bureaucratic one. The delegation had, however, politicized the issue by questioning the Committee's right to raise it. The Committee was not asking anything more than it asked of any other country and it was not saying that any person entering Syria had a right to citizenship.

18. On the question of the best interests of the child, he welcomed the information given about the law and the legal procedures, but one aspect had not been covered: the best interests of the child in the event of a conflict of interest with the authorities or with the parents or other family members. While it was certainly right to have a pro-family policy, there were cases in which children were abused by their families. They then needed the protection of specific legislation. It would be useful, therefore, if the Government were to study the implications of article 3 of the Convention for its children's policies.

19. The reply to the questions about disabled children had been constructive and showed an understanding of the implications of the Convention. It was crucial that disabled children should attend school so as to prevent their marginalization in society. The policies were in place, but it was not clear that practical action had been taken to implement them, for example with regard to constructing means of access for children in wheelchairs and providing information and guidance for teachers. Moreover, the teacher/pupil ratio was still large in Syria, so that coping with disabled children constituted a major burden for teachers. Extra support was therefore needed, and practical steps should be taken to furnish it.

20. Mrs. SANTOS PAIS said that everyone agreed that the principle of the best interests of the child was a very general one that applied to all parts of the Convention and to all policies for children. However, in the event of a conflict either between the general interest of society and that of an individual child or between different basic rights of a child, things became more complicated. The case of preventing married girls from attending school offered a good example of both kinds of conflict.

21. Syria's attempts to prevent early marriage represented the general interest of society, but it was in the interest of the girls concerned to continue their studies as well as care for their children. There was also the problem of stigmatizing such girls by preventing them from attending school. It was essential to focus on the best interests of the girl and not to punish her twice over by social stigmatization and denial of access to education. Syria's solution did not seem to be in the best interests of the child and a different approach should be adopted.

22. Legislation must protect against all the forms of discrimination listed in the Convention and apply to all children under the jurisdiction of the State, including refugees. While she could accept the argument that it was usually difficult to acquire the citizenship of a foreign country, that was not the question at issue. The children under consideration were not in possession of passports or other identity documents; the were stateless. They had no alternative to Syrian citizenship. She hoped that the situation of such children in the Syrian Arab Republic would improve before its next periodic report was considered and that the Committee's concern on the subject would be conveyed to the competent authorities.

23. Mr. MOMBESHORA said that many of the causes of infant mortality, such as congenital anomalies and prematurity, were easily preventable. It appeared that little use was made of antenatal clinics and the rate of home deliveries was still high in many areas. Perhaps women were not fully aware of the benefits of such facilities, including the monitoring of high-risk pregnancies. He hoped something would be done to remedy that situation.

24. Mrs. KARP said that the delegation had not answered her question regarding medical treatment for children. What she wanted to know was whether children could consult general practitioners or specialists for treatment or advice without their parents' consent. For instance, could contraceptives be prescribed to girls aged 14? Was there a telephone hot line in the country that children could use to seek advice on their health or other problems?

25. Mr. NSEIR (Syrian Arab Republic) said he welcomed the comments and recommendations made by the Committee, acknowledging that there was room for improvement in many areas affecting children. Such progress could only be achieved, however, in accordance with the principles underlying Syrian culture and society. Mr. Hammarberg had made a very valid point regarding the disabled and education. To provide special training and facilities, greater material resources were needed, for which his Government had requested international assistance from United Nations bodies and NGOs.

26. Young girls who married early were not prevented from attending school by law. The measures in question had been adopted by the Ministry of Education and were therefore subject to review. As to whether the best interests of the child were taken into account in court decisions, he was not certain of the existence of specific legislation to that end, but would be able to provide more information on the subject in due course.

27. Replying to Mr. Mombeshora's questions, he said that better health care for women was considered to be one of the major goals to be attained in the near future, on the basis of the resources available. Girls could be prescribed contraceptives only from the age of 18 onwards since, in keeping with Syrian legislation and customs, sexual relations were not permitted outside marriage.

28. Miss JARF (Syrian Arab Republic) said that preventing young married women from attending school was aimed at discouraging parents from arranging early marriages and not at punishing the girls concerned.

29. High-risk pregnancies currently occurred most frequently in women between the ages of 40 and 50, but early pregnancy remained one of the causes of premature births. Considerable progress had been made in creating awareness of the disadvantages of early pregnancies; efforts had been made to promote health care during pregnancy and to improve the facilities and services available, including the monitoring of high-risk pregnancies; drugs were prescribed free of charge to all pregnant women and family planning was actively encouraged. Ultimately, however, the decision rested with the persons concerned and some women chose to continue their pregnancies in spite of the risks involved.

30. The CHAIRPERSON invited the members of the Committee to ask questions concerning the sections of the initial report entitled "Education, leisure and cultural activities" and "Special protection measures".

31. Mrs. BADRAN said that, some months previously, she had attended a seminar at Aleppo, organized by the Syrian Women's General Federation, in cooperation with UNICEF, to train government staff and NGOs on the implementation of the Convention. At the seminar, recommendations had been adopted on many of the issues raised by members of the Committee including early marriage and education. Unfortunately, such issues had not been covered in the initial report which had been drafted before the holding of the seminar.

32. It had emerged from the discussion that the ban imposed by the education authorities on school attendance by married girls had arisen in part from the fear that their attendance at school would lead to a discussion of sex and pregnancy. Sex education had subsequently become part of the national school curriculum, so that reason was no longer a valid one.

33. The question of the participation of children had also been extensively discussed and, it was her understanding, given the similarity of Egyptian and Syrian law, that the views of children were invited in certain circumstances, including cases of separation and custody.

34. Mrs. EUFEMIO said it appeared from the information available that, in Syria, children of preschool age had little opportunity for socialization and education in a spirit of peace and tolerance. That was regrettable, since the first few years of life represented such a crucial stage in children's development. Perhaps the education authorities might consider some improvement along those lines, even if it meant using some of the resources normally allocated to primary school education.

35. Moreover, the aims of primary education did not seem to be in keeping with those outlined in article 29, paragraph 1, subparagraph (d), of the Convention and thus would not prepare children for a responsible life in a free society. In view of the fact that the Syrian Arab Republic was a multiracial and multi-denominational society, she hoped that it would be possible to take account of those aspects in the national primary school curriculum in the future.

36. Mrs. SANTOS PAIS said that, according to the Convention, States parties should ensure realization of the economic, social and cultural rights of children by undertaking measures to the maximum extent of their available resources, yet defence seemed to be given priority over the social sectors in the Syrian budget. There was clearly not enough investment in education, which might in part explain the high drop-out rate from schools and the disparities between the urban and rural areas. More resources must be injected to provide better quality education. She also hoped that the recommendations made at the Aleppo seminar, particularly regarding sex education, would be reflected in the school curricula of the future.

37. Access to specialized training facilities and personnel by disabled children was not necessarily the best approach, since it might ultimately lead to segregation and discrimination. It would be preferable if children with certain types of disabilities could be integrated into the community by attending ordinary schools, since contact with other children was vital for their social development.

38. The Convention highlighted the importance of the common responsibility and equal rights of parents concerning their children's welfare and upbringing. Consequently, both fathers and mothers should be entitled to take their children out of the country.

39. The delegation had said that the birth of children out of wedlock was not accepted in Syrian society. While not wishing to level any criticism there, she was concerned about what became of such children who might well be abandoned, institutionalized or stigmatized.

40. A recent study carried out by the Syrian Women's General Federation, in cooperation with UNICEF and the Central Bureau of Statistics, indicated that there was a tendency for parents, even the better educated ones, to inflict corporal punishment on children or to threaten them with such punishment. Since the Convention was opposed to any form of physical or mental punishment, on the premise that the participation of children through dialogue and confidence-building achieved the same results, she would like to know what steps were being taken to reverse that tendency.

41. Mr. KOLOSOV said he shared the previous speaker's concern at the evidence of fairly widespread corporal punishment and degrading treatment of children in Syrian families and schools. Such practices could be eliminated, as borne out by the case of Russia, where the problem had been resolved not through legislation, but by creating a greater awareness in families and among the general public. Children subjected to such treatment did not often become good citizens.

42. A further concern was the situation of street children, even those who slept at home but did not attend school and worked or begged on the streets for a living. The report referred to some kind of assistance being provided to them. Surely, however, preventive measures would prove more effective in the long run, although initially requiring some investment.

43. Mrs. KARP said that the fact that the initial report and the written replies were completely silent on the question of sexual abuse within the family - a phenomenon to which no society was immune - suggested that it was a taboo issue with which Syrian society had yet to come to terms. In that connection, it must be borne in mind that, where children were exposed to any form of abuse, the Convention overruled the principle that the family was the best environment for the child. The authorities should first carry out a study on the incidence of the phenomenon, after which specific legislation could be drafted and rehabilitation and training programmes put in place.

44. Mr. HAMMARBERG said that it might be useful to approach the review of the curriculum which was currently under way from the standpoint of compliance with aspects of the Convention such as non-discrimination and respect for the views of the child. Possible benefits might include integration of the concept of "inclusive education" (for example, in the case of disabled children), and a shift of emphasis from teaching to learning. With regard to discipline, it was not enough to ban corporal punishment in schools: there must also be a follow-up, to ensure that the measure was implemented in practice. He therefore urged the authorities to persevere with the steps outlined in their written reply to issue No. 31.

45. The sad truth was that, despite assertions by some delegations to the contrary, children were exposed to domestic sexual abuse in all countries. Social workers must be alerted to the problem. In societies where the issue was taboo, children sexually abused by their parents were liable to be both stigmatized and traumatized.

46. The Syrian authorities also appeared to accord low priority to the promotion of play activities both in and out of school: there should be more investment in playgrounds and play facilities in large communities.

47. Lastly, he wished to point out that when the initial report of Lebanon had been considered, the Lebanese delegation had identified children of Syrian migrants working temporarily in Lebanon as a vulnerable group, with whom its Government was not fully competent to deal, as they were not Lebanese citizens. That was a matter that should be taken up jointly by the Syrian and Lebanese authorities.

48. Mrs. BADRAN said that sociologists should be commissioned to look into the reasons for the high drop-out rate from primary and secondary schools.

The meeting was suspended at 4.50 p.m. and resumed at 5.05 p.m.

49. Miss JARF (Syrian Arab Republic), replying to questions on measures to protect children under the age of six, said that there were 1,037 day-care centres in the Syrian Arab Republic, staffed by more than 4,000 nurses and attended by 90,000 children. Instruction was given in such matters as hygiene, accident prevention, road safety, the environment, drawing, physical education, and respect for others and for society.

50. Children had opportunities to express themselves through the youth and Tala'i (Vanguard) organizations, and the Ministry of Education also encouraged self-expression through musical and artistic programmes, publications and cultural and folklore centres. Recreational parks for children were provided in newly built-up districts. The Youth and Tala'i organizations were starting to run summer camps to familiarize children with their environment and with ways of safeguarding it. Dance, song, drama, drawing and gymnastics competitions and swimming galas were also organized.

51. Corporal punishment in schools was banned, and the perpetrators disciplined. As for drop-out rates, the responsibility for dealing with children's social problems in the primary schools lay with the head teachers.

52. Mr. NSEIR (Syrian Arab Republic) confirmed that efforts were being made to follow up the legislation banning corporal punishment in schools and in the home by campaigns to change the traditional attitudes towards children. The problem of street children was not widespread in his country. Its incidence was linked to the drop-out rates from school, and to economic considerations: parents sometimes encouraged their children to beg. The Ministry of Labour had adopted some remedial measures, but greater efforts were, perhaps, needed to ensure that the problem did not get out of hand.

53. On the problem of the children of Syrian migrant workers in Lebanon, the two Governments were endeavouring to resolve the question jointly, but ultimate responsibility lay with Lebanon, as a sovereign and independent State.

54. Sexual abuse in the family was rare, and no statistics were available, but it was true that greater social awareness of the problem was needed. On the curricula and syllabuses, efforts had been made to bring school programmes into line with global scientific and cultural developments. Those efforts, however, called for very considerable resources. The review of the curriculum would certainly take into account the Convention, which would also be taught in law and medical faculties. Fuller details of curriculum contents could be forwarded to the Committee, if so desired.

55. Mrs. EUFEMIO said that the figure of 90,000 children cited as attending day-care centres represented a very low proportion of the total number of children of preschool age, and that the day-care centres charged fees for

their services. Her proposal had been that the authorities should identify some low-cost alternatives, with a view to increasing the coverage at preschool level.

56. Mrs. SANTOS PAIS said that the exception to the statutory ban on corporal punishment, whereby such punishment was allowed within conventional limits, opened the door to highly subjective interpretations and was counterproductive. Domestic legislation should be amended to bring it into line with the provisions of article 19 of the Convention. Countries such as Sweden, that had banned corporal punishment completely, found that legislation played a catalytic role in eradicating acceptance of corporal punishment as the norm. Campaigns should also be launched to raise awareness of the issue within the family.

57. Deprivation of liberty, interpreted in the broadest sense, should be used only as a last resort. Alternatives to institutional care should thus be considered, and the age of criminal responsibility brought into line with the age of majority.

58. The initial report somewhat optimistically described the Syrian system of juvenile justice as "one of the world's most modern and advanced". The study to which she had previously referred painted a very different picture: one of unhealthy living conditions in institutions, shortages of food, clothing and qualified staff, overcrowding and unduly harsh punishments. She thus urged the Syrian authorities to review the conditions in juvenile reform centres and to amend their legislation in that area.

59. Mr. HAMMARBERG said that there was a need for a legal review of the question of the institutionalization of children, an investigation into conditions in institutions, an independent regulatory and monitoring body and a mechanism for complaints.

60. Syrian child-labour legislation was, for the most part, modern, although that was not in itself enough to prevent a gap between law and reality. Certain provisions of its legislation relating to exceptions regarding the employment of children, such as on family farms, were a cause for concern and Syria should look carefully at the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) for guidance on how to amend its legal provisions.

61. Ratification of the Convention relating to the Status of Refugees and the 1967 Protocol would be a positive step in terms of protecting the rights of refugee children.

62. Mrs. KARP recommended that the authorities take note of the proceedings and outcome of the Committee's thematic day on the question of juvenile justice, which could help to provide a basis for developing new policies.

63. Mr. NSEIR (Syrian Arab Republic) said that he fully shared the concerns expressed by the members of the Committee and that his authorities were doing all they could to improve the situation of children. The basic structure was in place but it needed to be strengthened and revised to take care of areas in

need of reform. Syria would work with the United Nations agencies and cooperate fully with projects that would best serve the interests of the child.

64. It was true that work needed to be done on the question of preschool establishments. Kindergartens, specialists and teachers were available, but demand outstripped supply around the country, a situation which could only be remedied if adequate financial resources became available.

65. There were a few exceptions to the regulations governing the age at which a child could work, but the kinds of work involved and conditions were clearly specified. The issue would be looked at again and the Committee's recommendations and comments would be passed on to the competent authorities for consideration.

66. Mrs. SANTOS PAIS said that it was easy to become bogged down in trying to find ambitious solutions to problems while overlooking simple answers. For example, in the area of juvenile justice, there was no need to go to the expense of building prisons and institutions. The solution did not lie in institutional care but in enhancing the role of the family and society.

67. Syria should identify priority areas of action and then seek the assistance of the relevant United Nations organ.

68. Mrs. EUFEMIO said there were alternative cost-effective and innovative alternatives in the area of preschool education. Some countries had enjoyed success with a family day-care system whereby a community or neighbourhood would organize a network of family homes that took it in turns to look after a group of children.

69. The CHAIRPERSON invited the members of the Committee to make their concluding comments to the delegation of the Syrian Arab Republic.

70. Mr. MOMBESHORA said that he was not entirely convinced that the best use was being made of the Syrian health services. For example, it was stated that a woman tended to stop breast-feeding her child after three months because she had become pregnant again, which implied a need for health education on what was available in terms of family planning and how to derive the maximum benefit therefrom.

71. The allocation of resources needed to be revised, not least since 31 per cent of the country's budget was spent on defence, to the detriment of the social sectors, including health services which accounted for a mere 2 per cent.

72. Mr. HAMMARBERG said, with regard to the implementation of article 4 of the Convention, that the Government of Syria should look at ways in which it could ensure open discussion, when its budget was being adopted, on how best to serve the interests of the child.

73. The Committee had paid particular attention to the role and functions of the committees that dealt with children's issues because it was sometimes the

case that high-level bodies, although set up with the best of intentions, actually impeded progress. Every care should, therefore, be taken to ensure that they functioned effectively.

74. It had also emphasized that education and information were needed to help prevent early marriage and recommended that a study be carried out on the question of child labour.

75. Mrs. KARP said that strategies to promote the participation of children in issues of direct consequence to them, and as partners in promoting their rights, were needed, as were measures to encourage the participation of society at large, NGOs and international bodies.

76. The concept of protection should be expanded to areas which remained taboo.

77. She hoped that the delegation would recommend publication of its dialogue with the Committee and the ensuing recommendations and conclusions and thus promote a public and parliamentary discussion on children's issues.

78. Mrs. SANTOS PAIS said it was regrettable that no one with direct involvement in the policies and strategies affecting children had been sent from Syria as a member of the delegation.

79. There were several areas that demanded careful consideration. First, Syria should give thought to withdrawing some of the reservations it had entered to the Convention. Secondly, a legislative review was essential, with efforts to bring legislation into conformity with the Convention and to introduce new legislation, particularly in terms of the definition of the child, family law, child labour, juvenile justice, the prohibition of corporal punishment, non-discrimination and the status of girls and women. Cooperation projects on those issues with the international community should be considered.

80. Thirdly, vertical coordination, from the centre down to the local authorities, needed to be strengthened in order to promote a flow of information which could be used to assess the situation of children in all areas and give an idea of where priority action should be taken.

81. Mrs. BADRAN said she hoped that the Government of Syria would take heed of the outcome of the Aleppo seminar. The question of budgetary allocations should be looked into carefully so as to ensure a more balanced distribution of resources.

82. Mr. KOLOSOV said that the submission of a report and the resultant dialogue with the Committee were just a single stage of what should be an ongoing process aimed at improving the situation of children. Contact with the Committee in the inter-report period should be maintained. It was to be hoped that the delegation's report on its exchanges with the Committee would be comprehensive and that it would urge that the recommendations and comments made be widely circulated.

83. Mr. NSEIR (Syrian Arab Republic) said that the dialogue with the Committee had been extremely enlightening and that there was true concern in his country for the situation of children. The report submitted to the authorities would fully reflect the views and comments of the Committee. It would be circulated to all bodies and ministries that dealt with children's issues, including the National Committee, which was presided over by the Minister of Social Affairs and Labour. However, despite the best intentions, efforts to improve the situation of children took both money and time.

84. The statistics on the budget provided by UNICEF would be checked and the official statistics, which did not seem to tally with them, would be provided. The Committee's comments, recommendations and conclusions should, if possible, be made available in Arabic so that they could be published without delay.

The meeting rose at 6.05 p.m.